

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 04-19 (DSD)

Tony DeJuan Jackson,

Petitioner,

v.

ORDER

Lynn Dingle, Warden,

Respondent.

This matter is before the court upon petitioner Tony DeJuan Jackson's pro se application for a certificate of appealability (COA). Petitioner seeks to appeal the court's denial of Rule 60(b)(6) relief in his 28 U.S.C. § 2254 case originally filed on September 25, 2001.

A COA cannot issue unless the petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For such a showing, "[t]he petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Petitioner failed to meet

this burden.¹ Accordingly, **IT IS HEREBY ORDERED** that petitioner's application for a certificate of appealability [ECF No. 69] is denied.

Dated: October 16, 2012

s/David S. Doty
David S. Doty, Judge
United States District Court

¹ The court denied a certificate of appealability in its initial order. See ECF No. 66.